

### REMARKS

Claims 1-14 and 16-25 were examined by the Office, and in the Office Action of April 8, 2008 all claims are rejected. With this response claims 1, 12-13 and 21 are amended, and claims 11, 16-20 and 24-25 are cancelled without prejudice. All amendments are fully supported by the specification as originally filed. Applicant respectfully requests reconsideration and withdrawal of the objections and rejections in view of the following discussion.

#### Drawings

In the Office Action Summary page the drawings are indicated to be objected to by the Examiner. However, no drawing objections are made in the text of the Office Action. Accordingly, applicant will treat the objection to the drawings in the previous Office Action as having been overcome.

#### Claim Rejections Under §101

In section 3, on page 3 of the Office Action, claims 11-12 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully submits that the rejection of claim 11 is moot in view of the cancellation of claim 11. Claim 12 is amended to recite “a computer readable storage medium,” and applicant respectfully submits that one of skill in the art is familiar with what a computer readable storage medium may be embodied as. Therefore, applicant respectfully requests withdrawal of the rejection to claim 12.

#### Claim Rejections Under § 112

In section 4, on page 3 of the Office Action, claims 10-12 are rejected under 35 U.S.C. § 112 because no function is specified by the words preceding “means.” Applicant respectfully submits that the rejection of claims 10 and 11 is moot in view of the cancellation of claims 10 and 11. Claim 12 is amended to remove the phrase “means” from the claims. Accordingly, applicant respectfully submits that claim 12 as amended complies with § 112.

#### Claim Rejections Under § 103

In section 5, on page 4 of the Office Action, claims 1-14 and 16-25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Hamelers et al. (U.S. Appl. Publ. No. 2001/0027104) in

view of Focsaneanu et al. (U.S. Patent No. 5,828,666). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, alone or in combination, because the cited references at least fail to disclose or suggest all of the limitations recited in claim 1. Claim 1 is amended to recite that adapting is performed in a mobile terminal device, and therefore the cited references at least fail to disclose or suggest that a configuration of a software application on a mobile terminal device is adapted based on at least one of a number of accessible data connections.

Hameleers is directed to arrangements and methods for adapting payload connections between users transmitting data according to different protocols. See Hameleers paragraph [0002]. There may be a plurality of possible payload connections between the core network and a first access network serving a calling party, and between the core network and another access network serving the called party. See Hameleers paragraphs [0021]-[0029]. These connections are described by parameters values, and the values are compared in order to select a transcoding and data rate. The comparison and corresponding selection is performed in elements of the network connecting the two users, i.e. calling party and called party, but not in the user equipments of the users. See Hameleers paragraphs [0053], [0064], [0073], [0075] and [0081]-[0083]. Instead, the user equipment has a connection with certain parameters with its respective access network. One or more control nodes connecting the respective access networks then compare the respective parameters to select/negotiate the parameters to be used for the connection between the two access networks.

The Office acknowledges that Hameleers does not disclose that a user equipment has more than one accessible data connection from a number of different types of data connections. Instead, each user equipment only has a single type of connection to its access network, and the access networks may have various connections between them. There is no disclosure or suggestion in Hameleers regarding software applications running on the user equipments, and therefore there is no disclosure or suggestion of adapting a software application based on an accessible data connection.

In addition, Focsaneanu is directed to arrangements for interfacing CPEs and communications networks which encompass PSTN, data networks, wireless networks, satellite networks, CATV, ATM networks and the like through local access. See Focsaneanu column 4, lines 41-45. An access module is discussed which performs adaptation of the transmission

format, e.g. rate adaptation, protocol adaptation, etc, to better match the terminals, transport or service capability provider. See Focsaneanu columns 6-7. Similar to Hameleers, this access module in Focsaneanu performs these adaptations outside of or external to the terminal devices. See Focsaneanu Fig. 7; column 7, lines 23-28; column 11, lines 31-35; column 13, lines 47-50; column 14, lines 45-57. In Focsaneanu each single terminal device has a single connection type. Only the external access module has access to different types of data connections. Therefore, even if Hameleers were combined with Focsaneanu, the terminal devices would still have only a single accessible data connection type, and the adaptations would still be performed external to the terminal devices. Therefore, the cited references fail to disclose or suggest that a configuration of a software application on a terminal device is adapted based on at least one of a number of accessible data connections, as recited in claim 1. For at least this reason, the cited references fail to disclose or suggest all of the limitations recited in claim 1.

Independent claims 12, 13 and 21 are amended in a manner similar to claim 1, and therefore for at least the reasons discussed above with respect to claim 1 are not disclosed or suggested by the cited references.


The dependent claims rejected above all ultimately depend from an independent claim, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

Conclusion

The rejections of the Office Action having been shown to be inapplicable, withdrawal thereof is requested, and passage to issue of the present application is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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